

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 FEA-01 AGR-05 CEA-01

CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05

L-02 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 TAR-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01

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FM USMISSION EC BRUSSELS

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INFO USMISSION GENEVA

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E.O. 11652: NA

TAGS: ETRD, EEC

SUBJECT: GATT HANDLIN OF THE LOME CONVENTION

REF: A) STATE 97828

B) GENEVA 3008

1. BEGIN SUMMARY: WE CONVEYED TO HIJZEN THE US VIEWS ON THE LUYTEN PROPOSALS. HE APPRECIATED OUR POSITIVE APPROACH, BUT HAD SOME PROBLEM WITH THE US CONDITIONS. HOWEVER, HE SAID THE COMMISSION IS STILL NOT YET FIRM ON THE DETAILS OF ITS APPROACH TO GATT. END SUMMARY.

2. ON APRIL 29 WE DISCUSSED INFORMALLY WITH HIJZEN US COMMENTS ON THE SUGGESTIONS GIVEN BY LUYTEN FOR THE GATT HANDLING OF THE LOME CONVENTION (REFTEL A). HIJZEN SAID HE WELCOMED THE CHANCE TO DISCUSS THE ISSUE INFORMALLY SINCE THE COMMISSION HAS NOT YET COME TO COMPLETE AGREEMENT ON HOW TO HANDLE THE MATTER AND HE THOUGHT THAT SUCH AN EXCHANGE OF VIEWS WAS HELUFUL. THE FIRST
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ISSUE TO BE ADMRPGIS HOW TO NOTIFY THE AGREEMENT TO THE GATT.

GENERALLY, THE COMMUNITY HAS DONE THIS BY MEANS OF A TWO-SENTENCE LETTER. HOWEVER, IN THIS CASE THE COMMUNITY IS CONSIDERING A LONGER LETTER POINTING OUT THE POLITICAL IMPORTANCE OF THE AGREEMENT AND GIVING VIEWS ON IT. THE LETTER OF NOTIFICATION WILL NOT BE READY FOR ANOTHER WEEK OR SO. HIJZEN SAID HE BELIEVED HE WOULD BE ABLE TO GIVE AN UNOFFICIAL COPY OF THE LETTER TO THE UNITED STATES FOR OUR REACTION BEFORE IT IS SENT FINALLY TO THE GATT.

3. THE SECOND STAGE IS HOW TO ARRANGE FOR GATT TREATMENT. THE COMMUNITY IS READY TO ACCEPT A WORKING PARTY. IT DOES NOT WISH TO ASK FOR A FORMAL GATT VOTE ON THE ARRANGEMENT AND CONSEQUENTLY IS SOMEWHAT LEERY ABOUT USING THE WORD "DECISION". TO AVOID THE PROBLEM OF VOTING, THE COMMUNITY PREFERS TO THINK IN TERMS OF CONSENSUS WHICH MIGHT BE EMBODIED IN A CHAIRMAN'S SUMMING-UP. SHOULD THERE BE ANY CHANGE IN THE AGREEMENT OVER THE COURSE OF ITS FIVE-YEAR LIFE, THE COMMUNITY WOULD EXPECT TO RE-SUBMIT ANY AMENDED AGREEMENT. IT WOULD PREFER NOT TO AGREE TO A CONDITION THAT IT SHOULD MAKE ANNUAL REPORTS. HOWEVER, IN THE CASE OF THE TREATY OF ROME THE COMMUNITY HAD UNILATERALLY AGREED TO ANNUAL REPORTS AND WOULD THINK OVER THE POSSIBILITY OF DOING THE SAME FOR THE LOME CONVENTION. IT WOULD NOT BE WILLING TO AGREE TO A FORMAL REVIEW OF THE AGREEMENT AFTER FIVE YEARS. HOWEVER, THE AGREEMENT ITSELF DOES EXPIRE IN FIVE YEARS AND ANY NEW AMENDED AGREEMENT WOULD BE SUBJECT TO THE COMMUNITY'S OFFER TO RE-SUBMIT AND REVIEW AS MENTIONED ABOVE.

4. IN THE JUSTIFICATION THE COMMUNITY WOULD LIKE TO STRESS THE POLITICAL IMPORTANCE OF THIS AGREEMENT AND ITS COMPATIBILITY WITH THE PROVISIONS AND SPIRIT OF GATT WITHOUT OF COURSE RECITING ARTICLE XXIV AND XXV. THE COMMISSION BELIEVES THAT THERE WOULD ALSO NEED TO BE SOME ALLUSION TO THE FACT THAT IT ENTERED INTO THIS AGREEMENT AS PART OF ITS DEVELOPMENT POLICY AND PROBABLY THERE WOULD NEED TO BE SOME ALLUSION TO POINT 4, THOUGH THIS COULD NOT BE CITED AS A JURIDICAL BASIS FOR GATT ACCEPTANCE OF THE AGREEMENT. IF THE NON-LOME LDCS HAD NO PROBLEM WITH SUCH A REFERENCE TO DEVELOPMENT, HE DID NOT SEE THE BASIS FOR A US PROBLEM.

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5. HIJZEN SAID HE WAS SOMEWHAT CONCERNED ABOUT TWO ASPECTS OF OUR PRESENTATION. THE FIRST WAS THAT WE SEEMED TO BE ATTACHING A NUMBER OF CONDITIONS TO US COOPERATION WHICH HE HAD NOT ANTICIPATED. WE EXPLAINED THAT THE US OFFER TO COOPERATE HAD BEEN BASED ON A MUTUAL ABILITY TO WORK OUT DETAILS THAT WAS EXACTLY WHAT THE US WAS TRYING TO DO AT THIS TIME. HIJZEN'S SECOND CONCERN STEMMED FROM WHAT HIJZEN

INTERPRETED AS A US WILLINGNESS TO GIVE A VOTE TO THE LATIN AMERICANS. WE SAID THAT JUST AS THE COMMUNITY HAD TO CONSULT WITH THE DEVELOPING MEMBERS OF THE LOME CONVENTION, WE ALSO FELT THAT WE NEEDED TO DISCUSS THESE ISSUES WITH THE LATIN AMERICANS AND TAKE INTO ACCOUNT THEIR VIEWS.

6. HIJZEN SAID THAT HIS IMPRESSION WAS THAT GENERALLY NON-LIME DEVELOPING COUNTRIES HAD BEGUN TO ADOPT A MUCH MORE UNDERSTANDING VIEW OF THE LOME CONVENTION AND HE DID NOT ANTICIPATE MUCH PROBLEM FROM THEM. IT IS FOR THIS REASON THAT HE EXPECTED THAT THEY WOULD HAVE NO OBJECTION TO USE OF THE "DEVELOPMENT" CONCEPT IN THE JUSTIFICATION. HIJZEN ENDED THE CONVERSATION BY STATING THAT IT WAS USEFUL THAT THE UNITED STATES AND THE COMMISSION STAY IN CLOSE TOUCH, EITHER HERE OR AT GENEVA, AS EACH DEVELOPS ITS IDEAS ON THE PROCEDURE, SO THAT EACH COULD BENEFIT FROM THE OTHER'S THOUGHTS.

7. WE HAVE HEARD FROM MEMBER STATES THAT HIJZEN GAVE HIS INFORMAL VIEWS ON THIS SUBJECT TO THE ARTILCE 113 COMMITTEE ON APRIL 25. HE TALKED ABOUT SUBMITTING THE CONVENTION TO THE GATT UNDER THE COVER OF A NOTE STRESSING THE "POLITICAL ASPECTS" OF THE ARRANGEMENT, BUT NOT ATTEMPTING TO STATE PRECISELY THE LEGAL GATT STATUS. ACCORDING TO OUR SOURCES THE DISCUSSION WAS GENERALLY FAVORABLE TO HIJZEN'S APPROACH. THE COMMISSION WILL ALSO BE DISCUSSING THIS WITH THE LOME DEVELOPING COUNTRIES WHO WE BELIEVE ARE IN THE EARLY STAGES OF THEIR THOUGHTS ON THE SUBJECT, THOUGH PREVIOUSLY HIJZEN HAD TOLD US THAT IT WAS THE LOME LDCS WHO HAD THE STRONGEST OBJECTION TO THE FORMAL WAIVER APPROACH. GREENWALD

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